

Project Office describing the contractor's Value Engineering Proposal for use of its "Contractor supplied disposal area" – rather than "a Government furnished disposal area which is approximately five miles down river" – for the placement of at least 60,000 cubic yards of sediment to be hydraulically dredged from the turning basin within the Fox River.

4. Exhibit 3 to this Declaration is a true and correct copy of a September 14, 1973, letter from the Army Corps to Capital Dredge & Dock Corp. documenting the Army Corps' agreement to use of the contractor supplied disposal facility for placement of the sediment that Capital Dredge & Dock would be removing from the turning basin in the Fox River.

5. Exhibit 4 to this Declaration is a true and correct copy of pertinent excerpts of Trial Exhibit 7389, which was admitted to the December 2012 trial record without objection. The complete document is a 119 page report prepared for the Army Corps in December 1975, entitled "Laboratory Study of the Release of Pesticide and PCB Materials to the Water Column During Dredging and Disposal Operations."

6. Exhibit 5 to this Declaration is a true and correct copy of a June 5, 2008, transmittal letter from the Wisconsin Department of Natural Resources and an accompanying Closure Plan Approval for the Renard Island Confined Disposal Facility under WDNR's solid waste management regulations codified at Wis. Admin. Code ch. 500-538.

7. Exhibit 6 to this Declaration is a true and correct copy of pertinent excerpts of a September 28, 2012, expert report prepared by Dr. Donald Hayes and certain other experts for NCR Corporation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 31, 2013

s/ Randall M. Stone

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true and correct copy of the foregoing Declaration to be served on the following counsel of record by the Court's Electronic Case Filing system:

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